

REMARKS

Claims 1-5, 7-8, 14, and 19 are currently pending. Claims 6, 9-13, 15-18, and 20-22 have been canceled without any disclaimer of the subject matter therein. The March 15, 2006, Office action rejected all of the pending claims.

The § 101 and 112 rejections raised in the Office action are moot as the rejected language is no longer in the pending claims. The amendments that removed this language have broadened the claims at least to the extent that this language no longer remains. Support for these amendments can be found in the figures as well as in the published specification at least at paragraphs 20-24.

Claim 1, which regards a method of assembling a coated medical implant delivery system, stands rejected under section 103 of the Patent Act. Claim 1 was rejected as being obvious over Hossainy in view of Fishell. Reconsideration of this rejection is requested as claim 1 is patentable over these patents at least because neither patent discloses or suggests *providing an elastic membrane having a coating on an inside surface and an outside surface* as substantially recited in claim 1.

Claim 1 also recites *positioning the medical implant around the elastic membrane after the elastic membrane has been positioned* around the expandable folds of the multi-wing balloon. Neither Hossainy nor Fishell disclose this language as well. Moreover, it would not be obvious to combine these references and add the other cited references to render the claim unpatentable. For one, there is no teaching to do so. Furthermore, the other cited references teach away from such combination. As an example, in Jung, the balloon protector sleeve or tube 5 is removed prior to the balloon being used in the patient, *see* col. 4, lines 35-38. Thus, one reading Jung would be discouraged from placing a stent over a sleeve because Jung teaches to remove the sleeve before use.

In addition, the claims that depend from claim 1 are patentable for still more reasons. For example, claim 4 recites that the step of treating a surface of the balloon includes the step of polishing the balloon. None of the references cited in the case disclose or suggest this action. In rejecting previous claim 22, which regarded a polished balloon, the Office action cited to Fishell and argued that the “smooth external surface” is a polished surface. However, Fishell does not

disclose how the surface was created or prepared. Thus, there is no grounds for concluding that it discloses or suggests the affirmative step of polishing the balloon. Thus, Fishell, like the other cited patents, does not render the claim unpatentable.

For at least these reasons, claim 1 and all of the other claims are patentable over the cited patents.

CONCLUSION

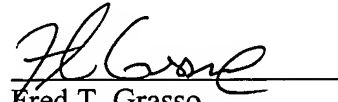
Entry of the amendments and allowance of the entire application is requested.

Should the Examiner have any questions concerning this application, the Examiner is invited to contact the undersigned at the number given below.

The Commissioner is authorized to charge any necessary fees, or to credit any overpayments, to deposit account No. 11-0600.

Respectfully submitted,

Dated: June 6, 2006


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